

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ROBERT KINTA PEACE,	:	
	:	
Petitioner,	:	Civil Action No. 4:10-CV-01683
	:	
v.	:	(Judge McClure)
	:	
WILLIAM A. SCISM,	:	(Magistrate Judge Smyser)
	:	
Respondent.	:	

**MEMORANDUM**

November 5, 2010

**I. INTRODUCTION**

On August 11, 2010, Robert K. Peace, a federal inmate incarcerated at the Low Security Correctional Institution at Allenwood (“LSCI-Allenwood”), filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. In his petition, Peace alleges that respondent William A. Scism, Warden at LSCI-Allenwood, improperly denied him the opportunity to take a DNA sample for a paternity test. (Rec. Doc. No. 1). The matter initially was referred to United States Magistrate Judge J. Andrew Smyser.

**II. PROCEDURAL HISTORY**

On August 18, 2010, Magistrate Judge Smyser issued an order on the respondent to show cause why the petitioner should not be granted the relief

requested. (Rec. Doc. No. 2). In his order to show cause, the magistrate judge provided that the petitioner was entitled to file a reply to a response filed by Warden Scism within fourteen days of the filing of such response. Id.

Warden Scism filed a response to the magistrate judge's order to show cause on September 8, 2010. (Rec. Doc. No. 4). In his response, Warden Scism contends that the petitioner has failed to exhaust his remedies as required by the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997(e). Id. at 2-7.

Petitioner did not file a reply to Warden Scism's response.

On October 18, 2010, Magistrate Judge Smyser issued a six (6) page report and recommendation. (Rec. Doc. No. 5). In this report and recommendation, the magistrate judge reviewed the history of this case, the evidence offered by the respondent that the petitioner has failed to exhaust his administrative remedies concerning the issue raised in the instant petition, and the failure of the petitioner to file a reply to Warden Scism's response. Id. at 1-4. In light of the above, the magistrate judge recommends that the petition be dismissed for failure to exhaust administrative remedies. Id. at 5.

Objections to the report and recommendation were due by November 4, 2010. However, to date, no objections have been filed with this court. For the purposes of judicial economy, we will not rehash the sound reasoning employed by

Magistrate Judge Smyser. We agree with the magistrate judge that dismissal of Peace's habeas petition for failure to exhaust administrative remedies is appropriate. Because neither party has elected to object to the report and recommendation, and because we agree with the magistrate judge's analysis and recommendation, we will adopt the report and recommendation in full. Therefore, we will dismiss Peace's petition for habeas corpus filed pursuant to 28 U.S.C. § 2241. (Rec. Doc. No. 1).

s/ James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge

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**ORDER**

November 5, 2010

Now, therefore, in accordance with the accompanying memorandum, **IT IS  
HEREBY ORDERED THAT:**

1. United States Magistrate Judge J. Andrew Smyser's Report and Recommendation is **ADOPTED IN FULL**. (Rec. Doc. No. 5)
2. Peace's habeas petition, filed pursuant to 28 U.S.C. § 2241, is dismissed. (Rec. Doc. No. 1).
3. The clerk is directed to close the case file.

s/ James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge